CITY OF LYNNWOOD

ORDINANCE NO. 2890

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADOPTING THE LYNNWOOD SHORELINE MASTER PROGRAM INCLUDING THE SHORELINE ENVIRONMENT DESIGNATION MAP CONSISTENT WITH THE REQUIREMENTS OF THE WASHINGTON STATE SHORELINE MANAGEMENT ACT (CHAPTER 90.58 RCW), CREATING A NEW CHAPTER 17.20 OF THE LYNNWOOD MUNICIPAL CODE, AUTHORIZING THE MAYOR TO TRANSMIT THE SHORELINE MASTER PROGRAM TO BE REVIEWED AND APPROVED BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

WHEREAS, the City of Lynnwood is a municipal corporation organized under the laws of the State of Washington; and,

WHEREAS, the City Council is authorized by RCW 35A.11.020 to adopt and enforce ordinances of all kinds relating to municipal affairs and appropriate to the good government of the City; and,

WHEREAS, in 1971 the State Legislature enacted the Shoreline Management Act requiring cities and counties throughout the state to adopt Shoreline Master Programs; and,

WHEREAS in RCW 90.58.020 the legislature declared that local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

1. Recognize and protect the statewide interest over local interest;

2. Preserve the natural character of the shoreline;

3. Result in long term over short term benefit;

4. Protect the resources and ecology of the shoreline;

5. Increase public access to publicly owned areas of the shorelines;

6. Increase recreational opportunities for the public in the shoreline;

7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.
WHEREAS, the City of Lynnwood has approximately 750 linear feet of shoreline along the Puget Sound which is subject to the requirements of the Washington State Shoreline Management Act (RCW 90.58); and,

WHEREAS, the Growth Management Act, RCW 36.70A.480, provides that the goals and policies of the Shoreline Master Program shall be considered an element of the City’s Comprehensive Plan, and other portions of the Shoreline Master Program shall be considered part of the City’s development regulations; and,

WHEREAS, in 2003 the Washington State Department of Ecology (DOE) adopted new rules pursuant to RCW 98.58.080 to carry out provisions of the Shoreline Management Act; and

WHEREAS, RCW 90.58.080 directs local governments to develop or amend their shoreline master programs consistent with the required elements of the guidelines adopted by DOE in accordance with a schedule established in that section; and,

WHEREAS, DOE’s new rules for the adoption of Shoreline Master Programs are set forth in WAC 173-26 and these new rules provide direction to local jurisdictions concerning the regulation of uses on Shorelines of the State; and,

WHEREAS, RCW 36.70A.130(2)(a)(iii) provides that adoption or amendment of a Shoreline Master Program under the procedures set forth in chapter 90.58 RCW is exempt from the requirement that comprehensive plans be amended no more frequently than once per year; and,

WHEREAS, in August 2010 the proposed City of Lynnwood Shoreline Master Program was sent to the State Department of Commerce and other State agencies for the 60-day review process in accordance with RCW 36.70A.106; and,

WHEREAS, on October 7, 2010, the City of Lynnwood Environmental Review Committee issued a Determination of Non-Significance for the proposed Shoreline Master Program; and,

WHEREAS, on October 27, 2010, the Lynnwood Planning Commission held a duly noticed public hearing to take testimony on the proposed Shoreline Master Program; and,

WHEREAS, at the public hearing, the City of Lynnwood Planning Commission heard public testimony and took evidence and exhibits entitled Lynnwood Shoreline Master Program; SMP Glossary; SMP Map Portfolio; Shoreline Inventory, Analysis & Characterization Report; Shoreline Cumulative Impacts Report; Shoreline Restoration
Plan and Shoreline Environmental Designations Map completed by the City in support of
the Shoreline Master Program into consideration and,

WHEREAS, following the public hearing, the City of Lynnwood Planning
Commission recommended adoption of the SMP to the Lynnwood City Council; and,

WHEREAS, on May 23, 2011 the City of Lynnwood City Council held a duly
noticed public hearing to take testimony on the proposed Shoreline Master Program;

WHEREAS, the City Council finds that it is in the interest of the public health,
safety and welfare to adopt this ordinance, now therefore,

THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Shoreline Master Program Adoption. The City of Lynnwood
Shoreline Master Program entitled, “Lynnwood Shoreline Master Program”, dated
_______, 2011, is hereby adopted as the Shoreline Master Program for the City of
Lynnwood, and is by this reference incorporated herein as fully set forth.

Section 2. Shoreline Environment Designation Map Adopted. The City
Council adopts the “Shoreline Environment Designations Map”, attached hereto as
Exhibit 2, and is by this reference incorporated herein.

Section 3. New Title 17.20 of the Lynnwood Municipal Code entitled
“Shoreline Master Program” is hereby created as follows:

Chapter 17.20
SHORELINE MASTER PROGRAM

17.20.005 Authority and Adoption by Reference
This chapter and that certain document known as “The City of Lynnwood Shoreline
Master Program” are hereby adopted as the shoreline master program for the City of
Lynnwood under authority of Chapter 90.58 RCW and Chapter 173-16 WAC as now or
hereafter amended.

17.20.010 Purpose
The Washington Shoreline Management Act of 1971 recognizes that the shorelines of the
state and of the City of Lynnwood are among the most valuable, scarce and fragile of our
natural resources. It is the intent of the Shoreline Master Program to manage the
shoreline giving preference to water-dependent and water-related uses, and to encourage
development and other activities to co-exist in harmony with natural conditions. Uses
that result in long term, over short-term benefits are preferred, as are uses which promote
sustainable development.
17.20.015 Applicability
A. General: Pursuant to RCW 35.21.160, the policies and regulations of the
Lynnwood Shoreline Master Program apply to all shorelines as defined in RCW 90.58
lying within the City of Lynnwood and to the waters and underlying tidelands of the
Puget Sound extending to the limits of the City of Lynnwood.

17.20.020 Relationship to Other Plans, Codes and Documents:
The Shoreline Master Program has been developed as both a policy plan and a
regulatory program.
A. The Shoreline Master Program is a part of and is intended to be consistent with
the City of Lynnwood Comprehensive Plan.
B. It is the intent of the City that those subsections of Section 4; “General Policies”;
Section 5; “Specific Shoreline Uses” and Section 6 “Shoreline Modification” entitled
“Regulations” and all of Section 7 “Administrative Regulations” shall be regulatory in
nature and mandatory and that no use, development or activity is allowed unless it
specifically complies with each applicable provision thereof.
C. The remainder of the Shoreline Master Plan is intended to serve as the policy for
shoreline uses, developments and activities, the basis of the regulatory sections, and to
assist the City in determining whether to grant, modify or deny any proposed use,
development or activity.
D. The definitions in the Glossary (Appendix A) to the Shoreline Master Plan shall
apply in the Shoreline Master Plan and this Title unless from the context another meaning
is clearly intended. The definitions in Chapter 90.58 RCW are hereby adopted by
reference and also apply in this Title. If there is a difference between the Glossary and
RCW 90.58 the more detailed definition shall apply unless such would lead to an
inconsistency in which case the definitions supplied by RCW 90.58 shall apply.
E. The uses, developments and activities regulated in this chapter may also be
regulated by the Lynnwood Zoning Code, various other provisions of the Lynnwood
Municipal Code and state and Federal laws. All uses, developments and activities within
the shoreline jurisdiction shall comply with all requirements of all applicable regulations.
In the event of a conflict between regulations, the most restrictive regulation shall apply.

Section 4. Submission of the Adopted Shoreline Master Program to the
State. The Mayor is hereby authorized to transmit the adopted Shoreline Master Program
to the State Department of Ecology for review and approval in accordance with

Section 5. Severability. If any section, sentence, clause or phrase of this
ordinance should be held to be invalid or unconstitutional by a court of competent
jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Publication and Effective Date. This ordinance or a summary
thereof consisting of the title shall be published in the official newspaper of the City, and
shall take effect and be in full force five (5) days after publication.
PASSED BY THE CITY COUNCIL, the 23rd day of May 2011 and approved by
the Mayor this 1st day of June, 2011.

APPROVED:

[Signature]

Don Gough
Mayor

ATTEST/AUTHENTICATED:

[Signature]

Lorenzo Hines Jr.
Finance Director

APPROVED AS TO FORM:

[Signature]

Rosemary Larson
City Attorney

FILED WITH ADMINISTRATIVE SERVICES: 6/11/11
PUBLISHED: _________
EFFECTIVE DATE: _________
ORDINANCE NUMBER: 2870